while here the tax is upon the franchise and valid, within the decision in *Paul* v. *Virginia*, 8 Wall. 168, and *Horn Silver Min. Co.* v. *New York*, 143 U. S. 305. From this decision Houlan, J. (Brown, J., concurring), vigorously dissents, maintaining that whatever was the "object" of those who passed the statute, its effect was to place a burden on interstate commerce, and cannot be sustained simply because the statute applies alike to the people of all states, including New York. *Minn.* v. *Barber*, supra, and *Robbins* v. *Taxing Distr.*, supra. The case of *Horn Silver Min. Co.* v. *New York*, supra, did not present the precise point here involved as to the authority of the state to tax the manufactures of another state, solely because not products of the taxing state. By this statute New York practically seeks to compel manufacturing concerns of other states to remove their plant to New York or else submit to a taxation, at the discretion of the authorities, which is not imposed on such concerns wholly domestic.

RECENT CASES.

CARRIERS—CONTRACT OF CARRIAGE—BAGGAGE—PACKAGES IN CAR—RUNYAN V. CENTRAL R. C. OF N. J., 41 Atl. (N. J.) 367.—Plaintiff bought a ticket from New York to Elizabeth, N. J., on which was printed the following: "Free transportation allowed for 150 lbs. baggage (wearing apparel only) and Co.'s liability expressly limited to $1 per lb." With this ticket the plaintiff tried to enter a car, but was prevented because he had with him two packages, the contents of which he would not disclose to the railway attendant. On his trial, the plaintiff attempted to introduce evidence that the railway had for a long time acquiesced in, and made accommodation for the carriage of small packages of merchandise of its passengers. This was *held* (four judges dissenting) to be competent evidence, and its refusal was error.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW—DISCRIMINATION—MUNICIPAL CORPORATIONS—PLEASURE DRIVEWAYS—EXCLUSION OF TRAFFIC—ORDINANCES—CICERO LUMBER CO. V. TOWN OF CICERO ET AL., 51 N. E. (Ill.) 758.—The legislative power to authorize a municipality to vacate any of its streets includes the the power to authorize it to limit the use of certain of them to a particular purpose beneficial to the public. Laws, 1889, p. 83, by which the trustees of an incorporated town were empowered to lay out not more than two streets as public driveways for pleasure driving only, on petition of a designated number of the owners of property fronting thereon, and to exclude all other traffic, is not unconstitutional, as depriving an owner thereon of property without due process of law (Const., Art. 2, §2); nor is it class legislation and unjust discrimination, since any citizen may use the road for pleasure only; nor is it a violation of trust imposed on municipal authorities in respect to highways. But an ordinance passed by a municipality under this act, forbidding the use of two streets laid out for a pleasure driveway by traffic vehicles unless special permission of the board of trustees of the town has been obtained, is unreasonable and invalid, since it leaves to unregulated official discretion a matter which should be regulated by permanent local provisions operating generally and impartially.

CONSTITUTIONAL LAW—POLICE POWER—INTERSTATE COMMERCE—DISPENSARY LAW—CONTRABAND LIQUORS—STATE V. HOLLEYMAN ET AL., 31 S. E. (S. C.) 362.